

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHAUNA NOEL, et al

Plaintiffs,

-against-

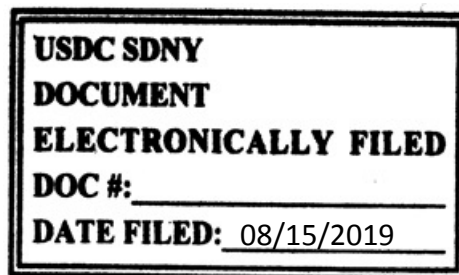
CITY OF NEW YORK,

Defendant.  
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**KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE:**

Plaintiffs commenced this action to challenge a New York City policy regarding affordable housing lotteries. The City's policy allocates 50% of units in affordable housing lotteries to individuals who already reside in the community district where the new affordable housing units are located. This policy is referred to herein as the "Community Preference Policy." Plaintiffs allege that the Community Preference Policy violates the federal Fair Housing Act ("FHA"), 42 U.S.C. § 3604 *et seq.*, and the New York City Human Rights Law ("NYCHRL"), N.Y.C. Admin. Code § 8-107 *et seq.*, because it perpetuates racial segregation and disparately impacts racial minorities. They also claim that the City's decision to establish, expand, and maintain the policy constitutes intentional discrimination.

Currently pending before this Court is Plaintiffs' motion challenging privilege designations on 350 documents in the City's privilege log. (ECF Nos. 729, 747.) The City asserts that the documents are protected from disclosure based on one or more of the following reasons: (1) attorney-client privilege, (2) work product protection, (3) deliberative process



**OPINION AND ORDER**

**15-cv-05236 (LTS) (KHP)**

privilege, and (4) legislative privilege. This Court assumes the reader's familiarity with the factual background of this case based on its many decisions in this action and does not repeat it here. *See, e.g., Winfield v. City of New York*, No. 15-cv-5236 (LTS) (KHP), 2017 WL 5664852, at \*1-6 (S.D.N.Y. Nov. 27, 2017); *Winfield v. City of New York*, No. 15-cv-5236 (LTS) (KHP), 2017 WL 2880556, at \*1-2 (S.D.N.Y. July 5, 2017), *aff'd*, 2017 WL 5054727, at \*1-2 (S.D.N.Y. Nov. 2, 2017); *Winfield v. City of New York*, No. 15-cv-5236 (LTS) (DCF), 2016 WL 6208564, at \*1-3 (S.D.N.Y. Oct. 24, 2016).

The City submitted for *in camera* review a detailed privilege log with hyperlinks to all 350 documents and, in some cases, cover emails for the documents providing greater context for the creation and purpose of the communication and the basis for the privilege assertion. The City also submitted declarations from Leila Bozorg, Deputy Commissioner of the New York City Department of Housing Preservation and Development ("HPD"), and Eric Enderlin, current Commissioner of HPD, providing greater detail as to the basis for the assertion of privilege as to certain documents and categories of documents. Bozorg attests that she has reviewed the documents withheld on the basis of deliberative process privilege and that they involve pre-decisional deliberations by officials at HPD and/or other City agencies. She attests that these documents reflect deliberations on the Housing New York Plan ("HNY"), which was publicly announced on May 5, 2014 and deliberations on updates to the plan, announced as HNY 2.0 in November 2017. Other documents reflect deliberations on Mandatory Inclusionary Housing ("MIH"), which was an amendment to the City zoning law. The MIH application submitted by the administration was completed on September 21, 2015 and ultimately approved by the City

Planning Commission on February 3, 2016 and the City Council on March 22, 2016. Some of the documents relate to deliberations on changes to the so-called 421-a homeless preference policy, which was announced on October 14, 2016, and the “Where We Live NYC” plan (“WWL”), which is a planning process that the City is using to better understand how challenges like segregation and discrimination impact New Yorkers’ lives and to identify ways to improve the City’s fair housing policies. Other documents pertain to deliberations on various neighborhood plans for East New York (“ENY”), Jerome Avenue, Inwood, East Harlem, the Bay Street Corridor and the Far Rockaways.<sup>1</sup> Final versions of the above-described housing policies are publicly available, as is documentation about public review and zoning amendment processes. Additionally, Plaintiffs’ counsel, the Antidiscrimination Center, was invited to stakeholder meetings and is thus independently knowledgeable about the WWL planning process.

This Court does not repeat the legal standards for a claim of privilege, as those were previously set forth by this Court in earlier decisions. See ECF Nos. 259, 655. It has, however, reviewed each of the 350 documents consistent with these legal standards in determining

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<sup>1</sup> The ENY plan was finalized April 20, 2016 after the City Council approved zoning changes. The Jerome Avenue plan was finalized on March 22, 2018 after the City Council approved zoning changes. The Inwood plan was finalized on August 8, 2018 after City Council approved it. The East Harlem plan was approved by the City Council on November 30, 2017. The Bay Street Corridor plan, which includes zoning changes, is currently in the public review process and not yet final. HPD was involved in developing the plan’s and putting them forth for public review and City Council vote on necessary zoning changes. Thus, the initial proposals were developed before the City Council votes and in some cases there were deliberations on changes to the plans after the public review period and before the zoning votes. However, contrary to what the City has suggested, deliberations post-announcement of the policy and pre-City Counsel approval are not necessarily protected. The Court has been mindful of the various dates applicable to identified policies when evaluating whether a document is pre- or post-decisional.

whether the City has met its burden in demonstrating privilege.<sup>2</sup> The Court also has been mindful that privileges must be construed narrowly insofar as they are contrary to the “search for truth.” *Kaufman v. City of New York*, 98 Civ. 2648(MJL)(KNF), 1999 WL 239698, at \*4 (S.D.N.Y. Apr. 22, 1999). This is particularly important in civil rights cases such as this, where fundamental rights are at issue. *King v. Conde*, 121 F.R.D. 180, 195 (E.D.N.Y. 1988); *Skibo v. City of New York*, 109 F.R.D. 58, 61 (E.D.N.Y. 1985). A brief discussion of the Court’s ruling is set forth below.

### ***I. Deliberative Process Privilege***

The majority of the documents in the review set were withheld on the basis of deliberative process privilege. Under this privilege, the document must be pre-decisional and deliberative. *Noel v. City of New York*, 357 F. Supp. 3d 298, 303 (S.D.N.Y. 2019). To demonstrate the former, the City must point to a specific decision to which the communication correlates. *Id.* This does not mean, as Plaintiffs suggest, that current deliberations of a non-final policy are not subject to the privilege. General open-ended discussions would not be protected, but deliberations for the purpose of arriving at a specific policy or plan would be protected. *Grand Cent. P’ship, Inc. v. Cuomo*, 166 F.3d 473, 482 (2d Cir. 1999) (“[T]he privilege does not protect a document which is merely peripheral to actual policy formulation,” and “the record must bear on the formulation or exercise of policy-oriented judgment.” (quoting *Ethyl*

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<sup>2</sup> To the extent the City has suggested there is a presumption in favor of withholding deliberative documents or that the Plaintiffs have the burden to show why a document should be disclosed, the Court rejects these suggestions. It is well established that the party withholding a document has the burden of establishing a privilege attaches. *Grossman v. Schwarz*, 125 F.R.D. 376, 380 (S.D.N.Y. 1989).

*Corp. v. U.S. E.P.A.*, 25 F.3d 1241, 1248 (4th Cir. 1994))). The Court has taken notice of the dates when certain policies were finalized versus when they were released for public comment and City Council vote in its evaluation of the documents and determination of whether a communication is pre-decisional. See *supra*, n.1.

Because factual information is not protected, the Court has ordered production of some documents on the log in redacted form where appropriate. *Noel v. City of New York*, 15-cv-5236(LTS) (KHP), 2018 WL 6649969, at \*4 (S.D.N.Y. Dec. 18, 2018). Likewise, post-decisional explanations and implementation of policies are not protected by the privilege. *Davis v. City of New York*, No. 10 CIV. 0699 SAS, 2011 WL 1742748, at \*2 (S.D.N.Y. May 5, 2011) (noting that the privilege “does not extend to materials related to the explanation, interpretation or application of an existing policy, as opposed to formulation of a new policy” (quoting *Resolution Trust Corp. v. Diamond*, 137 F.R.D. 634, 641 (S.D.N.Y.1991))). Nor are communications reflecting routine self-evaluation of a policy protected. *Noel*, 2018 WL 6649969, at \*4; *Marisol A. v. Giuliani*, No. 95 CIV. 10533 (RJW), 1998 WL 132810, at \*6 (S.D.N.Y. Mar. 23, 1998). Accordingly, the Court has declined to find privilege as to some of the documents on the City’s log for these reasons.

Where the Court has found that deliberative process privilege does apply, it has applied the balancing test set forth in *Rodriguez v. Pataki* in the manner prescribed by Judge Swain. 280 F. Supp. 2d 89 (S.D.N.Y.), *aff’d*, 293 F. Supp. 2d 302 (S.D.N.Y. 2003). Specifically, this Court has construed relevance broadly for purposes of weighing the relevance factor, consistent with Federal Rule of Civil Procedure 26(b)(1) and Federal Rule of Evidence 401. *Noel v. City of New*

*York*, No. 15-cv-5236-LTS-KHP, 2018 WL 6786238, at \*4 (S.D.N.Y. Dec. 12, 2018). In this regard, the Court has found documents pertaining not just to the Community Preference Policy, but pertaining to the City's knowledge of and responses to resistance to or fear of neighborhood racial change, knowledge of the nature of opposition to affordable housing development, discussions about methods for combatting displacement other than the Community Preference Policy, segregation within the City, and other topics to fall within the broad definition of relevance. The Court has considered communications with City Council members about neighborhood plans and affordable housing generally (and preparations for or reporting of same) to be relevant as well. In other words, the Court credits Plaintiff's argument that they must be able to probe circumstantial evidence of intentional discrimination and has found most of the documents on the City's log to be relevant even if they do not discuss the Community Preference Policy. The weight of the relevance factor in this Court's final balancing of the *Rodriguez* factors, however, varied from document to document.

As to the second *Rodriguez* factor, this Court took into consideration Plaintiffs' arguments about their access to documents and information. It also has considered Plaintiffs' contention that they need drafts of documents to ascertain options that were considered and rejected. For the most part, however, this Court found that the balance of *Rodriguez* factors did not warrant production of the drafts on the City's privilege log because of the weight given to the relevance of the particular changes between drafts and final documents in the balancing analysis, along with Plaintiffs' access to final versions of policies and other extensive discovery on the topics in the drafts and considerations informing final policies and plans.

Consistent with its prior decisions and reviews of documents *in camera*, the third and fourth *Rodriguez* factors – the seriousness of the issues involved and the role of the government in the litigation – weighed in favor of disclosure as to each document this Court reviewed and in the balancing analysis. In other words, these factors were additive in the Court’s determination on disclosure.

Finally, this Court analyzed each *Rodriguez* factor separately in the first instance and then weighed them against the fifth factor– the potential chilling effect disclosure would have on government employees. *Noel*, 2018 WL 6786238, at \*5. To the extent that the City has suggested that the fifth factor will nearly always outweigh the first four factors, the Court rejects this suggestion. Rather, the Court conducted a balancing analysis as to each document, and the fifth factor did not tip the scales against disclosure as to a fair number of the documents. Its rulings on the individual documents based on the above-described balancing process are reflected on Attachment A to this Opinion and Order.

## ***II. Attorney-Client Privilege***

The attorney-client privilege applies to: (1) a communication between government counsel and their clients, (2) that was intended to be and was in fact kept confidential, and (3) was made for the purpose of obtaining or providing legal advice. *See In re Cty. of Erie*, 473 F.3d 413, 419 (2d Cir. 2007) (internal citation omitted). As to factor 3, the key inquiry is whether the “predominant purpose” of the communication is to solicit or provide legal advice. *Id.* at 419-20 (collecting cases). When legal advice is the predominant purpose, “other ‘considerations and caveats’ are not severable and the entire communication is privileged.” *Fox News Network, LLC*

*v. US Dep't of Treasury*, 739 F. Supp. 2d 515, 560 (citing *In re Cty. of Erie*, 473 F.3d at 420). On the other hand, if the legal advice is merely “incidental to the nonlegal advice that is the predominant purpose of the communication,” then the legal portions of the document may be redacted. *In re Cty. of Erie*, 473 F.3d at 420 n.8. For the most part, where asserted, the City demonstrated applicability of attorney-client privilege. As to these documents, the Court’s review confirmed that they involve communications and draft documents exchanged between attorneys for the City and their clients for the predominant purpose of seeking or conveying legal advice. Where the privilege was not established, the Court notes this in Attachment A.

### **III. Work Product**

The work product doctrine protects a broader category of documents and communications than the attorney-client privilege. Specifically, it protects documents and other tangible things “that are prepared in anticipation of litigation or for trial by or for another party or its representative.” Fed. R. Civ. P. 26(b)(3)(A); *see also Bowne of N.Y.C., Inc. v. AmBase Corp.*, 150 F.R.D. 465, 471 (S.D.N.Y. 1993). “Where a document was created because of anticipated litigation, and would not have been prepared in substantially similar form but for the prospect of that litigation,” it is protected as work product. *United States v. Adlman*, 134 F.3d 1194, 1195 (2d Cir. 1998). “Conversely, protection will be withheld from ‘documents that are prepared in the ordinary course of business or that would have been created in essentially similar form irrespective of litigation.’” *Schaeffler v. United States*, 806 F.3d 34, 43 (2d Cir. 2015) (quoting *Adlman*, 134 F.3d at 1202). In those instances where the City established work



product protection, this Court found that the document would not have been created in the same manner irrespective of anticipated or pending litigation.

The Court also considered, with respect to these documents, whether Plaintiffs have shown (1) substantial need for the material; and (2) an inability to obtain its substantial equivalent from another source without undue hardship. Fed. R. Civ. P. 26(b)(3)(A); *Obeid v. Mack*, No. 14-cv-6498 (LTS) (HBP), 2016 WL 7176653, at \*5 (S.D.N.Y. Dec. 9, 2016). Plaintiffs did not meet this showing as to any of the protected documents. First, the documents on the log related to the United States Department of Housing and Urban Development (“HUD”) compliance review all involved discussions about possible changes to the Community Preference Policy to settle concerns HUD expressed. Plaintiffs have questioned or had an opportunity to question witnesses about alternatives to the policy and potential changes to the policy considered and that could be considered. To the extent HPD Commissioners considered these changes outside of settlement discussions, Plaintiffs were permitted to question them on this topic. Thus, they have had a full opportunity in discovery to vet alternatives to the Community Preference Policy considered or that could have been considered by the City. Moreover, Plaintiffs have not persuasively articulated why they have a substantial need for these few communications. Plaintiffs likewise have not shown a substantial need for Housing Connect data analysis done in connection with this lawsuit. Plaintiffs have been provided the data themselves and information about non-privileged analyses conducted. They also have been permitted extensive discovery on the data.

#### **IV. Legislative Privilege**

The legislative privilege protects communications integral to a person's determination whether to vote for or against a proposal or law. *See Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 504 (1975); *Bogan v. Scott-Harris*, 523 U.S. 44, 54-55 (1988). Examples include "delivering an opinion, uttering a speech, or haranguing in debate; proposing legislation; voting on legislation; making, publishing, presenting, and using legislative reports; authorizing investigations and issuing subpoenas; and holding hearings and introducing material at committee hearings." *S.E.C. v. Comm. On Ways and Means of the U.S. House of Representatives*, 161 F. Supp. 3d 199, 236 (S.D.N.Y. 2015) (citing *Fields v. Office of Eddie Bernice Johnson*, 459 F.3d 1, 10-11 (D.C. Cir. 2006)) (internal quotation marks omitted). The legislative privilege also protects formal and informal fact and information-gathering activities about the subject of potential legislation, as well as documents regarding or reflecting the fruits of this research. *See id.* at 236-37, 245; *see also United States v. Biaggi*, 853 F.2d 89, 102-03 (2d Cir. 1988); *McSurely v. McClellan*, 553 F.2d 1277, 1286 (D.C. Cir. 1976) (en banc), *cert. dismissed*, 438 U.S. 189 (1978). The privilege does not attach to activities concerning the administration of a law, speeches delivered outside of the legislative body and preparation for the same, the making of appointments with government agencies, and newsletters and press releases to constituents. *See U.S. v. Brewster*, 408 U.S. 501, 512 (1972); *Hutchinson v. Proxmire*, 443 U.S. 111, 130-33 (1979). Very few documents on the log were designated withheld under this privilege. In most instances where noted, this Court found that the City did not establish applicability of the privilege. In the few instances where this Court found the privilege might

apply, it conducted the same *Rodriguez* balancing analysis described above in arriving at its rulings.

### **Conclusion**

The Court appends a spreadsheet reflecting the Court's rulings on the 350 documents. The City is directed to re-review its privilege log consistent with this ruling and determine whether there are additional documents on its log that must be de-designated as privileged. The City shall complete this task by **September 30, 2019** and provide Plaintiffs with a supplemental production by that date.

To the extent there are objections to this ruling, or Plaintiffs believe that the Court should re-evaluate the balance of *Rodriguez* factors or wish to make a substantial need argument as to a specific document protected by the work product doctrine, this Court requests that the parties first file a motion for reconsideration with this Court. The parties shall notify the Court by letter if they intend to request reconsideration of a ruling as to a particular document by **September 6, 2019**. The Court will then set a briefing schedule as to any such motion. To the extent the City does not dispute this Court's ruling with respect to documents deemed non-privileged, it shall produce such documents by **September 30, 2019**.

**SO ORDERED.**

Dated: August 15, 2019  
New York, New York



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KATHARINE H. PARKER  
United States Magistrate Judge

# ATTACHMENT A

Sort	Control ID	Privilege Category	Ruling
001	NYCPRIV00550	Deliberative	NP; communication concerns explanation/application of policy and announcement of new policy re: AMI; not deliberative regarding new policy
002	NYCPRIV02116	Deliberative	DPP; Rodriguez factors weigh in favor of disclosure; near final draft; contains description of planning policies in various neighborhoods; likely chilling effect does not outweigh other factors in favor of production
003	NYCPRIV05333	Attorney Client	A/C; legal advice requested and conveyed
004	NYCPRIV00787	Work Product;Deliberative	WP only on p. 1, item 2 - may redact parenthetical in title of 4th bullet and first sub-bullet to 4th bullet/redacted text would not have been created/aded to document but for anticipation of litigation; remainder of document not DPP because draft responses more akin to explanations of policies and not in aid of arriving at policy decision.
005	NYCPRIV00882	Deliberative	Not DPP for the most part; this is an email preparing draft responses to a reporter's questions about the Flushing West project; first paragraph on top of p. 3 of email chain can be redacted because it reveals ongoing deliberative considerations for implementing MIH in neighborhood & balance of Rodriguez factors does not weigh in favor of unredacting

006	NYCPRIV05465	Deliberative	DPP in part; text in emails between and among internal HPD personnel on pp. 1 and 2 may be redacted as DPP insofar as it reflects deliberation on East NY plan which was not yet finalized; remainder of document not DPP because it includes member of The Coalition for Community Advancement; balance of Rodriguez factors does not weigh in favor of unredacting portion that is DPP
007	NYCPRIV04223	Deliberative	DPP; preliminary discussions concerning position/policy regarding East Harlem and potential legislation to propose on relocation and reentry; balance of Rodriguez does not weigh in favor of disclosure except as to second to last sentence on last page of document that simply reports on an issue raised by community groups; sentence identified above should be produced with remainder of document redacted

008	NYCPRIV05559	Deliberative	DPP in part; the emails on p. 1 and the first 2 emails on p. 2 should be produced as they are not DPP because it concerns scheduling; the emails at the bottom of p. 5 to the end of the document between V. Lopez and J. Press should also be produced and are not DPP because it does not reflect internal policy deliberations; the remaining emails between and among HPD personnel is DPP because they reflect policy deliberations about new unit creation under IZ and funding ANCPs and can be redacted; balance of Rodriguez factors weighs against disclosure
009	NYCPRIV00734	Deliberative	All but last 3 pages of document are DPP because they concern policy proposal and deliberative discussion; balance of Rodriguez factors weighs against disclosure; produce last 3 pages and redact remainder
010	NYCPRIV05448	Deliberative	Not DPP because does not reveal internal deliberations of administration about a policy
011	NYCPRIV04287	Deliberative	DPP because reveals deliberations about features and costs of anti-harassment legal services and community outreach program; balance of Rodriguez factors weighs against disclosure

012	NYCPRIV01024	Deliberative	DPP because reveals initial policy analysis and proposals for improvements to mobility counseling program; balance of Rodriguez factors weighs against disclosure
013	NYCPRIV04303	Deliberative	Not DPP on top 4 emails in chain because it reveals existing policy; DPP applies to remainder of document because it discusses pending policy; however, balance of Rodriguez factors favors disclosure; whole document should be produced
014	NYCPRIV00185	Deliberative	DPP because draft decision memo about considerations for making policy decision on homeless unit commitment; balance of Rodriguez factors weighs against disclosure
015	NYCPRIV01466	Deliberative	DPP because emails constitute deliberations on possible policy changes as proposed by BBP; balance of Rodriguez factors weighs in favor of disclosure
016	NYCPRIV00192	Deliberative	DPP because it is draft document of non-final policy; balance of Rodriguez factors weighs against disclosure
017	NYCPRIV01574	Deliberative	DPP because reveals deliberations about policy positions to advocate at upcoming legislative session; balance of Rodriguez factors weighs against disclosure

018	NYCPRIV00214	Attorney Client;Deliberative	Not DPP; except contains a paragraph protected by A/C on p. 6 where request for legal advice is discussed
019	NYCPRIV01739	Deliberative	Not DPP; does not reveal internal deliberations about Inwood rezoning policy
020	NYCPRIV01068	Work Product	WP b/c prepared in anticipation of HUD litigation and for settlement strategization; no substantial need
021	NYCPRIV01099	Work Product;Deliberative	WP b/c prepared in anticipation of HUD litigation and for settlement strategy; no substantial need; DPP b/c reveals deliberations about potential changes to CPP for purposes of settling with HUD
022	NYCPRIV01105	Work Product;Deliberative	WP b/c prepared in anticipation of HUD litigation and for settlement strategy; no substantial need; DPP b/c reveals deliberations about potential changes to CPP for purposes of settling with HUD
023	NYCPRIV05518	Legislative;Deliberative	top email DPP b/c reveals deliberations about position/policy on neighborhood preservation plan; blance of Rodriguez factors weighs against production; bottom emails in the chain are not DPP or LP; produce in redacted form



024	NYCPRIV04390	Deliberative	DPP b/c reveals deliberations on policy regarding change to CPP; balance of Rodriguez factors weighs in favor of production
025	NYCPRIV01274	Deliberative	DPP b/c reveals deliberations on neighborhood preservation plan not yet implemented; balance of Rodriguez factors weighs against production
026	NYCPRIV01284	Deliberative	DPP b/c reveals deliberations on East New York rezoning plan not yet finalized; balance of Rodriguez factors weighs against disclosure
027	NYCPRIV01350	Deliberative	DPP b/c Memorandum reveals deliberations on East New York rezoning plan not yet finalized; balance of Rodriguez factors weighs against disclosure
028	NYCPRIV04423	Deliberative	Not DPP
029	NYCPRIV00177	Deliberative	DPP b/c reveals deliberations about not yet finalized MIH policy; balance of Rodriguez factors weighs against disclosure
030	NYCPRIV04426	Deliberative	DPP b/c reveals deliberations about displacement strategies; balance of Rodriguez factors weighs in favor of production
031	NYCPRIV01393	Work Product	WP b/c prepared in anticipation of HUD litigation and for settlement strategization
032	NYCPRIV04445	Deliberative	DPP b/c reveals deliberations about changes to CPP; balance of Rodriguez factors weighs in favor of disclosure

033	NYCPRIV01748	Attorney Client;Deliberative	A/C and DPP; draft marketing guidelines reflecting advice of counsel
034	NYCPRIV00252	Work Product;Deliberative	WP-no substantial need; DPP b/c prepared in connection with settlement discussions with HUD about potential changes to the CPP and reflects deliberations about those changes
035	NYCPRIV00277	Deliberative	DPP b/c draft of not yet finalized MIH policy and report; balance of Rodriguez factors weighs against disclosure
036	NYCPRIV05864	Deliberative	DPP b/c reveals internal deliberations regarding neighborhood planning and rezoning planning; balance of Rodriguez factors weighs in favor of production insofar as it identifies neighborhoods of opportunity
037	NYCPRIV01768	Deliberative	DPP; draft marketing guidelines; balance of Rodriguez factors weighs against production
038	NYCPRIV00327	Deliberative	DPP because reveals deliberations about proposal for Compstat/Housingstat; balance of Rodriguez factors weighs against disclosure
039	NYCPRIV00333	Work Product;Deliberative	Not WP; DPP because discusses possible changes to CPP in relation to Culver El affordable housing development; balance of Rodriguez factors weighs in favor of disclosure

040	NYCPRIV04470	Work Product	WP b/c discusses analysis of CPP for purposes of strategizing about this litigation; no substantial need
041	NYCPRIV02183	Deliberative	DPP b/c draft reveals non-final conclusions about proposed development project in and around Essex Street Market; balance of Rodriguez factors weighs against disclosure
042	NYCPRIV04480	Deliberative	DPP because reveals discussions about preparation of report/findings for NY-CT Sustainable Communities Initiative; balance of Rodriguez factors weighs in favor of disclosure
043	NYCPRIV04487	Deliberative	DPP because reveals discussions about preparation of report/findings for NY-CT Sustainable Communities Initiative; balance of Rodriguez factors weighs in favor of disclosure
044	NYCPRIV04493	Deliberative	DPP because reveals discussions about preparation of report/findings for NY-CT Sustainable Communities Initiative; balance of Rodriguez factors weighs in favor of disclosure
045	NYCPRIV00360	Deliberative	DPP b/c reveals deliberations about onenyc policy; balance of Rodriguez factors weighs against disclosure
046	NYCPRIV01857	Work Product	WP only as to text on 2d to last page referencing this lawsuit; produce in redacted format

047	NYCPRIV05599	Deliberative	DPP b/c reveals deliberations about use CPP; balance of Rodriguez factors weighs in favor of disclosure
048	NYCPRIV05600	Attorney Client;Legislative;Deliberative	Not A/C; LP and DPP b/c reveals deliberations about 421a legislation; balance of Rodriguez factors weighs in favor of producing in redacted form with section on p. 2 on Community Preference unredacted
049	NYCPRIV01873	Deliberative	DPP b/c reveals deliberation about application of CPP in Jamaica rezoning area; balance of Rodriguez factors weighs in favor of producing
050	NYCPRIV04497	Attorney Client;Deliberative	not A/C; DPP b/c reveals deliberation about application of CPP in Greenpoint/Williamsburg; balance of Rodriguez factors weighs in favor of producing
051	NYCPRIV01881	Attorney Client;Deliberative	no A/C; DPP because reveals deliberations about New Housing Market Place program; balance of Rodriguez factors weighs against disclosure
052	NYCPRIV04501	Attorney Client	Not A/C b/c no legal advice conveyed or sought
053	NYCPRIV02938	Deliberative	DPP b/c reveals non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
054	NYCPRIV02983	Attorney	BEING PRODUCED

055	NYCPRIV04581	Deliberative	DPP b/c reveals deliberations regarding position to take with HUD on AFFH assessment tool; balance of Rodriguez factors weighs against disclosure
056	NYCPRIV03044	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
057	NYCPRIV03145	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
058	NYCPRIV03242	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
059	NYCPRIV03252	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
060	NYCPRIV03267	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
061	NYCPRIV03288	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
062	NYCPRIV03298	Deliberative	CITY WILL PRODUCE
063	NYCPRIV03309	Deliberative	First 6 pages are DPP b/c reveals pre-planning for MIH; balance of Rodriguez factors weighs against disclosure; produce pp. 7-12 b/c factual

064	NYCPRIV01897	Attorney Client;Deliberative	Not A/C; DPP b/c non-final draft of non-final MIH; balance of Rodriguez factors weighs against disclosure
065	NYCPRIV03329	Deliberative	DPP b/c draft of non-final neighborhood plan for Bay St., Staten Island; balance of Rodriguez factors weighs in favor of production
066	NYCPRIV05641	Deliberative	Not DPP b/c does not reveal internal deliberations, rather, receipt of input from CM
067	NYCPRIV05642	Deliberative	Not DPP b/c does not reveal internal deliberations, rather, receipt of input from CM
068	NYCPRIV04690	Deliberative	Not DPP b/c does not reveal internal deliberations, rather, receipt of input from CM and communications with CM
069	NYCPRIV03409	Deliberative	DPP b/c non-final draft of non-final plan for East New York reflecting deliberations; balance of Rodriguez factors weighs against disclosure
070	NYCPRIV04708	Attorney Client;Deliberative	A/C b/c requesting meeting with counsel on topics in email and deliberations about policies about fostering economic diversity in neighborhoods generally
071	NYCPRIV04712	Attorney Client;Deliberative	A/C & DPP because reveals internal discussions about potential steps to mitigate displacement in Greenpoint/Williamsburg and advice sought; balance of Rodriguez factors weighs against disclosure

072	NYCPRIV04713	Deliberative	DPP b/c reveals deliberatoins and analysis regarding Greenpoint-Williamsburg rezoning; balance of Rodriguez factors weighs against disclosure
073	NYCPRIV04765	Deliberative	DPP b/c reveals deliberations regarding position to take with HUD on AFFH assessment tool; balance of Rodriguez factors weighs against disclosure
074	NYCPRIV04766	Deliberative	DPP b/c reveals deliberations regarding position to take with HUD on AFFH assessment tool; balance of Rodriguez factors weighs against disclosure
075	NYCPRIV03435	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
076	NYCPRIV04775	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
077	NYCPRIV04810	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
078	NYCPRIV03501	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
079	NYCPRIV03594	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure

080	NYCPRIV04886	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
081	NYCPRIV04890	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
082	NYCPRIV03724	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
083	NYCPRIV04959	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
084	NYCPRIV03922	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
085	NYCPRIV03924	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
086	NYCPRIV05003	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
087	NYCPRIV05051	Deliberative	Not DPP b/c not internal deliberations on policy
088	NYCPRIV05742	Deliberative	DPP in part; bottom email in chain is not deliberation but merely reporting of input from CM; balance of Rodriguez factors weighs against disclosure; produce in redacted format



089	NYCPRIV05746	Deliberative	DPP in part; bottom email in chain is not deliberation but merely reporting of input from CM; balance of Rodriguez factors weighs against disclosure; produce in redacted format
090	NYCPRIV05115	Deliberative	DPP b/c reveals deliberations on MIH and 421-a; balance of Rodriguez factors weighs against disclosure
091	NYCPRIV05764	Deliberative	Top 2 emails in chain DPP; balance of Rodriguez factors weighs against producing; remainder of emails in chain DPP b/c does not reveal internal deliberations, rather, receipt of input from CM
092	NYCPRIV05125	Attorney Client;Deliberative	A/C b/c conveys legal advice; DPP b/c reflects deliberations about policy around 421-a
093	NYCPRIV02038	Deliberative	CITY WILL PRODUCE
094	NYCPRIV05210	Deliberative	CITY WILL PRODUCE
095	NYCPRIV05221	Work Product;Deliberative	Not DPP b/c concerns response to press question about existing policy; sentence regarding this litigation in first paragraph in 3d email in chain can be redacted as WP
096	NYCPRIV05226	Deliberative	CITY WILL PRODUCE
097	NYCPRIV05227	Deliberative	DPP; balance of Rodriguez factors weighs in favor of disclosure
098	NYCPRIV05228	Deliberative	DPP; balance of Rodriguez factors weighs in favor of disclosure
099	NYCPRIV05246	Deliberative	DPP; balance of Rodriguez factors weighs in favor of disclosure
100	NYCPRIV05248	Deliberative	DPP; balance of Rodriguez factors weighs in favor of disclosure

101	NYCPRIV02371		CITY WILL PRODUCE
102	NYCPRIV05797	Attorney Client;Deliberative	A/C and DPP insofar as reveals deliberations re: potential MIH/ZQA policy (does not mention CPP); balance of Rodriguez factors weighs against disclosure
103	NYCPRIV05798	Attorney Client;Deliberative	deliberations re: potential MIH/ZQA policy (does not mention CPP); balance of
104	NYCPRIV05824	Deliberative	Not DPP
105	NYCPRIV05825	Deliberative	Not DPP
106	NYCPRIV02516	Work Product	WP; no substantial need
107	NYCPRIV02532	Work Product	WP; no substantial need
108	NYCPRIV02547	Work Product;Deliberative	WP; no substantial need
109	NYCPRIV02624	Work Product	WP; no substantial need
110	NYCPRIV02652	Work Product	WP; no substantial need
111	NYCPRIV02722	Work Product	WP; no substantial need
112	NYCPRIV05834	Deliberative	DPP as to top 4 emails in chain but remainder not DPP; bottom emails in chain is not deliberation but merely reporting of input from CM; balance of Rodriguez factors weighs against disclosure of top 4 emails; produce in redacted format
113	NYCPRIV05310	Deliberative	Not DPP b/c does not reveal deliberations about policy; rather reveals recommendations about how to build support for Administration's policy proposal on affordable housing
114	NYCPRIV05845	Deliberative	DPP b/c reveals deliberations about policy regarding private applications subject to MIH fir /Barnett Ave.; balance of Rodriguez factors weighs against disclosure

115	NYCPRIV05323	Attorney Client	A/C b/c reveals subject of legal advice sought on topic of AMLs in ENY
116	NYCPRIV02470	Deliberative	DPP b/c reveals deliberations on various policy options; balance of Rodriguez factors weighs against disclosure
117	NYCPRIV02456	Deliberative	Not DPP
118	NYCPRIV05883	Attorney Client;Deliberative	A/C because reveals advice regarding CPP and AFFH
119	NYCPRIV05885	Attorney Client;Work Product	A/C communication aspect not made clear by City; WP because prepared for this litigation and reveals strategy as to defenses; no substantial need
120	NYCPRIV05900	Attorney Client;Legislative;Deliberative	A/C b/c reveals request for legal advice and response; DPP because reveals deliberations about possible policy/legislation around AFFH; balance of Rodriguez factors weighs against disclosure; not clear how legislative
121	NYCPRIV05932	Deliberative	DPP b/c reveals non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
122	NYCPRIV05933	Deliberative	DPP b/c reveals non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
123	NYCPRIV05934	Legislative;Deliberative	Not clear how legislative; DPP in part b/c reveals non-final deliberations on Jerome Ave. rezoning plan; balance of Rodriguez factors weighs in favor of disclosure

124	NYCPRIV05966	Deliberative	DPP b/c reveals non-final deliberations on HNY plan; balance of Rodriguez factors weighs against disclosure
125	NYCPRIV05978	Deliberative	DPP b/c reveals non-final deliberations on HNY plan; balance of Rodriguez factors weighs against disclosure
126	NYCPRIV05992	Deliberative	DPP b/c reveals non-final deliberations on HNY plan; balance of Rodriguez factors weighs against disclosure
127	NYCPRIV05993	Deliberative	DPP b/c reveals non-final deliberations on HNY plan; balance of Rodriguez factors weighs against disclosure
128	NYCPRIV06048	Attorney Client;Deliberative	A/C because reveals discussion with counsel about 421-a; DPP b/c reveals discussion about strategy/planning on 421-a policy
129	NYCPRIV06135	Attorney Client;Deliberative	A/C b/c reveals discussion with counsel re: regulatory compliance and pending legislation and impact on policy; no need to reach DPP
130	NYCPRIV06137	Attorney Client;Legislative;Deliberative	LP & DPP & A/C; communications with counsel re: proposed fair housing bills; balance of Rodriguez factors weighs against disclosure
131	NYCPRIV06159	Attorney Client;Work Product	A/C b/c reveals legal advice on 421-a policy and CPP; don't need to reach WP

132	NYCPRIV06193	Attorney Client;Legislative;Deliberative	LP & DPP & A/C; communications with counsel re: proposed fair housing bills; balance of Rodriguez factors weighs against disclosure
133	NYCPRIV06208	Attorney Client	A/C because draft communication with counsel, among others, seeking legal advice on presentation
134	NYCPRIV06213	Deliberative	DPP b/c reveals internal deliberations regarding plan to maximize funds/grants for certain housing; balance of Rodriguez factors weighs against disclosure
135	NYCPRIV06277	Attorney Client	A/C b/c communication with counsel and others re: request to include prior residents in community preference
136	NYCPRIV06285	Attorney Client	A/C b/c communication with counsel and others re: REBNY and positions to take
137	NYCPRIV06329	Deliberative	DPP b/c draft of prospective plan for Brownsville & reveals deliberations about same; balance of Rodriguez factors weighs against disclosure
138	NYCPRIV06331	Deliberative	DPP b/c reveals deliberations about prospective plan for Brownsville; balance of Rodriguez factors weighs against disclosure
139	NYCPRIV06332	Deliberative	DPP b/c draft of prospective plan for homeless unit; balance of Rodriguez factors weighs against disclosure

140	NYCPRIV06334	Deliberative	DPP b/c draft of prospective plan for homeless unit; balance of Rodriguez factors weighs against disclosure
141	NYCPRIV06335	Deliberative	DPP b/c reveals discussions about potential Brownsville affordable housing plan; balance of Rodriguez factors weighs against disclosure
142	NYCPRIV06342	Deliberative	DPP b/c reveals discussions about potential Brownsville affordable housing plan; balance of Rodriguez factors weighs against disclosure
143	NYCPRIV06378	Deliberative	DPP b/c reveals discussions about potential Brownsville affordable housing plan; balance of Rodriguez factors weighs against disclosure
144	NYCPRIV06382	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
145	NYCPRIV06386	Legislative;Deliberative	LP not clear; DPP as to top emails b/w and among administrative employees b/c reveals discussions about potential East Harlem plan; balance of Rodriguez factors weighs against disclosure; bottom email not DPP b/c reflects questions from CM; produce in redacted format

146	NYCPRIV06393	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
147	NYCPRIV06396	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
148	NYCPRIV06401	Deliberative	DPP b/c reveals discussions about potential HNY plan; balance of Rodriguez factors weighs against disclosure
149	NYCPRIV06418	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
150	NYCPRIV06421	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
151	NYCPRIV06423	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure

152	NYCPRIV06429	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
153	NYCPRIV06438	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
154	NYCPRIV06439	Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
155	NYCPRIV06451	Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
156	NYCPRIV06452	Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
157	NYCPRIV06464	Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
158	NYCPRIV06472	Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure



159	NYCPRIV06475	Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
160	NYCPRIV06487	Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
161	NYCPRIV06488	Legislative;Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
162	NYCPRIV06489	Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
163	NYCPRIV06561	Deliberative	DPP b/c reveals discussions about potential mobility needs assessment and planning; balance of Rodriguez factors weighs against disclosure
164		Legislative;Deliberative	Not DPP or LP b/c does not reveal internal deliberations about policy, rather, this is draft communication to CM
165		Work Product;Deliberative	WP b/c prepared to evaluate strategy in this litigation and in advance of potential HUD litigation; no substantial need; do not need to reach DP

166	NYCPRIV00537	Deliberative	DPP b/c reveals deliberations about HPD marketing process; balance of Rodriguez factors weighs against disclosure
167	NYCPRIV01475	Deliberative	DPP b/c reveals internal discussions about various policy proposals; balance of Rodriguez factors weighs in favor of disclosure
168		Deliberative	DPP b/c reveals discussions about potential East Harlem affordable housing plan; balance of Rodriguez factors weighs against disclosure
169	NYCPRIV05826	Deliberative	DPP b/c reveals discussions about potential policy on center for faith and community partnership; balance of Rodriguez factors weighs against disclosure
170		Deliberative	DPP b/c reveals discussions about potential ENY rezoning; balance of Rodriguez factors weighs against disclosure
171	NYCPRIV05569	Deliberative	Not DPP
172	NYCPRIV02505	Work Product	WP b/c prepared for this litigation; no substantial need
173		Attorney Client;Deliberative	A/C not demonstrated; not DPP b/c does not reflect policy discussions, rather it reflects existing policy
174		Deliberative	Top email is DPP and balance of Rodriguez factors weighs against disclosure; remainder not DPP b/c does not reflect deliberatons on potential policy; rather, discussion of existing positions and facts to share with CM; produce in redacted format

175		Deliberative	DPP b/c reveals discussions about potential Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
176	NYCPRIV05353	Attorney Client	A/C because it is draft sent to counsel for comment/legal advice
177	NYCPRIV04129	Attorney Client	A/C because it is draft sent to counsel for comment/legal advice
178	NYCPRIV04155	Attorney Client	A/C because it is draft sent to counsel for comment/legal advice
179	NYCPRIV05438	Attorney Client; Deliberative	A/C because it is draft sent to counsel for comment/legal advice; do not need to reach DPP
180	NYCPRIV04180	Deliberative	DPP b/c reveals draft and non-final deliberations on housing plan; balance of Rodriguez factors weighs against disclosure
181	NYCPRIV04182	Deliberative	DPP b/c reveals deliberations about potential rezoning areas and neighborhood planning projects; balance of Rodriguez factors weighs against disclosure
182	NYCPRIV04247	Attorney Client; Work Product	A/C and WP; prepared in anticipation of litigation
183	NYCPRIV04249	Attorney Client; Work Product	A/C because it is a draft sent to counsel for comment/legal advice
184	NYCPRIV04251	Attorney Client; Work Product	A/C because it is draft sent to counsel for comment/legal advice
185	NYCPRIV04253	Attorney Client; Work Product	A/C because it is draft sent to counsel for comment/legal advice
186	NYCPRIV05444	Deliberative	DPP b/c reveals preliminary thoughts on 10-year plan; balance of Rodriguez factors weighs against disclosure

187		Deliberative	DPP b/c reveals preliminary thoughts on 10-year plan; balance of Rodriguez factors weighs against disclosure
188		Deliberative	Not DPP
189	NYCPRIV05446	Deliberative	Not DPP
190	NYCPRIV04187	Attorney Client;Deliberative	A/C and DPP; balance of Rodriguez factors weighs against disclosure
191	NYCPRIV04207	Attorney Client;Deliberative	A/C b/c reflects legal advice; DPP b/c reflects deliberations about potential rezonings; balance of Rodriguez factors weighs against disclosure
192		Deliberative	DPP b/c reflects deliberations about potential neighborhood strategies; balance of Rodriguez factors weighs against disclosure
193	NYCPRIV05462	Deliberative	DPP b/c reflects deliberations about potential neighborhood strategies; balance of Rodriguez factors weighs against disclosure
194	NYCPRIV05466	Deliberative	DPP b/c reflects deliberations about potential preservation program; balance of Rodriguez factors weighs against disclosure
195	NYCPRIV04214	Deliberative	Not DPP b/c does not reveal deliberations about policy; rather reveals recommendations about how to build support for Administration's policy proposal on affordable housing
196	NYCPRIV04220	Attorney Client;Deliberative	A/C b/c reflects legal advice; no need to reach DPP

197	NYCPRIV04283	Deliberative	DPP b/c reflects deliberations on potential changes to housing policy and study; balance of Rodriguez factors weighs against disclosure
198	NYCPRIV04296	Deliberative	DPP b/c reflects deliberations on 10-year housing plan; balance of Rodriguez factors weighs against disclosure
199	NYCPRIV04310	Work Product;Deliberative	WP b/c prepared to assist with strategy in litigation; DPP and balance of Rodriguez factors weighs against disclosure
200	NYCPRIV04311	Work Product	WP b/c prepared to assist with strategy in litigation;
201	NYCPRIV04314	Work Product;Deliberative	WP b/c prepared to assist with strategy in litigation; DPP and balance of Rodriguez factors weighs against disclosure
202	NYCPRIV05487	Deliberative	DPP b/c reflects internal deliberations about various potential policies for affordable housing; balance of Rodriguez factors weighs against disclosure
203	NYCPRIV05492	Deliberative	DPP b/c reflects internal deliberations about various potential policies for affordable housing; balance of Rodriguez factors weighs in favor of disclosure
204	NYCPRIV04371	Deliberative	DPP b/c reflects internal deliberations about 10-year plan; balance of Rodriguez factors weighs against disclosure

205	NYCPRIV04388	Deliberative	DPP b/c reflects internal discussions about potential changes to procedures in light of new AFFH rule; balance of Rodriguez factors weighs against disclosure
206	NYCPRIV05527	Deliberative	Not DPP
207	NYCPRIV05533	Deliberative	DPP b/c reveals deliberations about potential new areas for rezoning and affordable housing projects; balance of Rodriguez factors weighs against disclosure
208	NYCPRIV04413	Attorney Client;Deliberative	A/C not demonstrated; DPP b/c reflects discussions about MIH policy; balance of Rodriguez factors weighs against disclosure
209	NYCPRIV04419	Attorney Client;Deliberative	A/C not shown; DPP b/c reflects internal discussions about potential changes to procedures in light of new AFFH rule; balance of Rodriguez factors weighs against disclosure
210	NYCPRIV04424	Deliberative	DPP b/c reflects internal discussions about potential changes to procedures in light of new AFFH rule; balance of Rodriguez factors weighs against disclosure
211	NYCPRIV04425	Deliberative	DPP b/c reflects internal discussions about potential changes to procedures in light of new AFFH rule; balance of Rodriguez factors weighs against disclosure
212	NYCPRIV04433	Deliberative	DPP b/c reflects discussions/planning on various policies; balance of Rodriguez factors weighs against disclosure

213		Deliberative	DPP b/c reveals internal discussions on MIH; balance of Rodriguez factors weighs against disclosure
214	NYCPRIV04442	Deliberative	DPP b/c reveals internal discussions on MIH; balance of Rodriguez factors weighs against disclosure
215		Deliberative	DPP b/c reflects internal discussions about potential loan program to rehabilitate certain home/building loans; balance of Rodriguez factors weighs against disclosure
216		Deliberative	DPP b/c reflects internal discussions about Multifamily program; balance of Rodriguez factors weighs against disclosure
217		Deliberative	DPP b/c reflects internal discussions about potential loan program to rehabilitate certain home/building loans; balance of Rodriguez factors weighs against disclosure
218		Deliberative	DPP b/c reflects internal discussions about potential tax credit; balance of Rodriguez factors weighs against disclosure
219	NYCPRIV04232	Deliberative	DPP b/c reveals discussion about potential programs to combat landlord harassment; balance of Rodriguez factors weighs against disclosure
220	NYCPRIV04299	Deliberative	DPP b/c reflects internal discussions about potential changes to procedures in light of new AFFH rule; balance of Rodriguez factors weighs against disclosure
221	NYCPRIV05580	Deliberative	Not DPP b/c merely describing process
222	NYCPRIV04465	Deliberative	DPP b/c reveals deliberations about ZQA and MIH; balance of Rodriguez factors weighs against disclosure

223		Deliberative	DPP b/c reveals deliberations about ZQA and MIH; balance of Rodriguez factors weighs against disclosure
224	NYCPRIV04475	Attorney Client;Work Product;Deliberative	rezonings; balance of Rodriguez factors weighs against disclosure; A/C and WP not apparent
225	NYCPRIV04495	Deliberative	DPP b/c reflects discussion about potential rezonings; balance of Rodriguez factors weighs against disclosure; A/C and WP not apparent
226	NYCPRIV04516	Deliberative	DPP b/c reviews non-final deliberations on Con plan; balance of Rodriguez factors weighs against disclosure
227	NYCPRIV04527	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
228	NYCPRIV04533	Attorney Client;Deliberative	A/C and DPP
229		Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
230		Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
231		Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
232	NYCPRIV04598	Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure



233		Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
234	NYCPRIV04644	Deliberative	Not DPP b/c does not reveal deliberations about policy; rather reveals recommendations about how to build support for Administration's policy proposal on affordable housing
235	NYCPRIV04656	Deliberative	DPP b/c draft of non-final neighborhood plan for Bay St., Staten Island; balance of Rodriguez factors weighs in favor of production
236	NYCPRIV04705	Deliberative	Not DPP
237	NYCPRIV04710	Deliberative	DPP b/c reveals deliberations on MIH; balance of Rodriguez factors weighs against disclosure
238	NYCPRIV05023	Deliberative	DPP b/c reveals deliberations on 10-year plan; balance of Rodriguez factors weighs against disclosure
239	NYCPRIV05047	Deliberative	DPP b/c reveals deliberations on 10-year plan; balance of Rodriguez factors weighs against disclosure
240		Deliberative	DPP b/c reveals deliberations on 10-year plan; balance of Rodriguez factors weighs against disclosure
241	NYCPRIV05096	Deliberative	Not DPP
242	NYCPRIV05747	Deliberative	DPP b/c reveals deliberations on Jerome Ave.; balance of Rodriguez factors weighs against disclosure
243	NYCPRIV05748	Deliberative	Not DPP

244	NYCPRIV05751	Deliberative	DPP b/c reflects deliberations about community planning; balance of Rodriguez factors weighs against disclosure
245	NYCPRIV05112	Deliberative	DPP b/c reveals deliberations on Faith and Community Partnership; balance of Rodriguez factors weighs against disclosure
246	NYCPRIV05113	Deliberative	DPP b/c reveals deliberations on Faith and Community Partnership; balance of Rodriguez factors weighs against disclosure
247	NYCPRIV05765	Deliberative	DPP b/c reveals deliberations on Barnett Ave.; balance of Rodriguez factors weighs against disclosure
248	NYCPRIV05131	Attorney Client;Work Product;Deliberative	A/C b/c reflects legal advice; WP b/c portion prepared because of anticipated litigation; DPP b/c reveals deliberations on neighborhood rezonings; balance of Rodriguez factors weighs against disclosure
249	NYCPRIV05133	Deliberative	Not DPP
250	NYCPRIV05134	Deliberative	Not DPP
251		Deliberative	DPP b/c reveals deliberations on neighborhood rezonings; balance of Rodriguez factors weighs against disclosure

252	NYCPRIV05140	Attorney Client;Work Product;Deliberative	A/C b/c reflects legal advice; WP b/c portion prepared because of anticipated litigation; DPP b/c reveals deliberations on neighborhood rezonings; balance of Rodriguez factors weighs against disclosure
253		Deliberative	DPP b/c reveals deliberations on East Harlem plan; balance of Rodriguez factors weighs against disclosure
254		Legislative;Deliberative	Not LP or DPP; email does not reflect deliberations of administration
255	NYCPRIV05770	Deliberative	Not DPP
256	NYCPRIV05181	Deliberative	Not DPP
257	NYCPRIV05774	Deliberative	DPP re: homeless initiative; balance of Rodriguez factors weighs against disclosure
258		Deliberative	DPP re: homeless initiative; balance investment Rodriguez faccommentsrs weighs against disclosure
259	NYCPRIV05255	Deliberative	DPP b/c reflectd deliberations about HNY; balance of Rodriguez factors weighs against disclosure
260		Work Product	WP b/c prepared in part because of this litigation; no substantial need
261	NYCPRIV05801	Attorney Client;Work Product;Deliberative	WP to extent prepared because of this litigaiton; no substantial need; remainder DPP and balance of Rodriguez factors weigh against disclosure

262	NYCPRIV05284	Attorney Client;Work Product;Deliberative	A/C b/c reflects legal advice; WP b/c portion prepared because of anticipated litigation; DPP b/c reveals deliberations on neighborhood rezonings; balance of Rodriguez factors weighs against disclosure
263	NYCPRIV05040	Attorney Client;Work Product;Deliberative	A/C b/c reflects legal advice; WP b/c portion prepared because of anticipated litigation; DPP b/c reveals deliberations on neighborhood rezonings; balance of Rodriguez factors weighs against disclosure
264	NYCPRIV05809	Deliberative	DPP b/c reveals deliberations on Barnett Ave.; balance of Rodriguez factors weighs against disclosure
265	NYCPRIV05810	Deliberative	Not DPP
266	NYCPRIV05812	Deliberative	DPP b/c reveals deliberations on homeless unit commitment; balance of Rodriguez factors weighs against disclosure
267	NYCPRIV05813	Deliberative	DPP b/c reveals deliberations on homeless unit commitment; balance of Rodriguez factors weighs against disclosure
268		Deliberative	DPP b/c reveals deliberations about neighborhood rezonings; balance of Rodriguez factors weighs against disclosure

269	NYCPRIV05821	Attorney Client;Work Product;Deliberative	A/C b/c reflects legal advice; WP b/c portion prepared because of anticipated litigation; DPP b/c reveals deliberations on neighborhood rezonings; balance of Rodriguez factors weighs against disclosure
270	NYCPRIV05823	Deliberative	DPP b/c reveals deliberations on faith and community partnership; balance of Rodriguez factors weighs against disclosure
271	NYCPRIV05828	Deliberative	DPP b/c reveals deliberations on Barnett Ave.; balance of Rodriguez factors weighs against disclosure
272	NYCPRIV05331	Deliberative	DPP b/c non-final draft of plan for ENY; balance of Rodriguez factors weighs against disclosure
273		Deliberative	Not DPP
274		Attorney Client;Work Product	A/C communication aspect not made clear by City; WP because prepared for this litigation and reveals strategy as to defenses; no substantial need
275		Deliberative	DPP b/c reflecting planning for new report of AFFH to HUD; balance of Rodriguez factors weighs against disclosure
276		Deliberative	DPP b/c reflects deliberation on rent-setting policy; balance of Rodriguez factors weighs against disclosure
277		Deliberative	DPP b/c reflects discussion on Homeowner Repair Assistance program; balance of Rodriguez factors weighs against disclosure

278		Deliberative	DPP b/c reveals internal discussions about HPD PR plans and goals; balance of Rodriguez factors weighs against disclosure
279		Deliberative	DPP b/c reveals internal affordable housing-related policy deliberations; balance of Rodriguez factors weighs against disclosure
280		Deliberative	DPP b/c reveals discussions about how to prepare for and comply with new AFFH rule; balance of Rodriguez factors weighs against disclosure
281		Deliberative	DPP b/c reveals discussions about how to prepare for and comply with new AFFH rule; balance of Rodriguez factors weighs against disclosure
282		Attorney Client;Deliberative	A/C not apparent; not DPP
283		Deliberative	DPP b/c reviews non-final deliberations on plan; balance of Rodriguez factors weighs against disclosure
284		Attorney Client;Deliberative	A/C b/c draft for legal review
285		Deliberative	not DPP
286		Deliberative	not DPP

287		Deliberative	DPP b/c draft of plan for partnering with non-profits and community organizations; balance of Rodriguez factors weighs against disclosure
288		Deliberative	DPP b/c prospectus of plan a partnering with non-profits proposed community organizations; balance of Rodriguez factors weighs against disclosure
289		Deliberative	DPP b/c reflects discussion on Homeowner Repair Assistance program; balance of Rodriguez factors weighs against disclosure
290		Deliberative	DPP b/c reflects discussion on community stabilization program; balance of Rodriguez factors weighs against disclosure
291		Deliberative	DPP b/c reflects discussion on community stabilization program; balance of Rodriguez factors weighs against disclosure
292		Deliberative	Not DPP
293		Deliberative	Not DPP
294		Deliberative	DPP b/c reflects deliberations about submissions to HUD re: AFFH; balance of Rodriguez factors weighs against disclosure
295		Attorney	Not DPP
296		Deliberative	DPP b/c includes deliberations on certain policies; balance of Rodriguez factors weighs against disclosure
297		Attorney Client;Deliberative	A/C b/c draft for legal review; do not need to reach DPP
298		Deliberative	DPP b/c reflects internal deliberations on various policies related to Inwood rezoning; balance of Rodriguez factors weighs in favor of disclosure

299		Deliberative	Not DPP
300		Deliberative	DPP b/c reflects deliberations about Jerome Ave.; balance of Rodriguez factors weighs against disclosure
301		Deliberative	DPP b/c reflects deliberations about Jerome Ave.; balance of Rodriguez factors weighs against disclosure
302		Deliberative	DPP b/c reflects deliberations about Jerome Ave.; balance of Rodriguez factors weighs against disclosure
303		Legislative;Deliberative	Not DPP; not LP for City Administration
304		Attorney	A/C not aparent; not DPP
305		Deliberative	Draft report re: Anti-displacement strategies
306		Deliberative	DPP b/c reflects internal deliberations on various rezoning and other housing projects; balance of Rodriguez factors weighs against disclosure
307		Deliberative	DPP b/c reflects internal deliberations on non-profit and faith based developers; balance cons Rodriguez facnonrs weighs against disclosure
308		Deliberative	DPP b/c reflects internal discussions re: Inwood; balance of Rodriguez factors weighs against disclosure
309		Deliberative	DPP b/c reflects internal discussions re: Inwood; balance of Rodriguez factors weighs against disclosure



310		Deliberative	DPP b/c reflects internal discussions re: Inwood; balance of Rodriguez factors weighs in favor of disclosure
311		Deliberative	DPP b/c reflects internal deliberations re: Partners in Preservation program; balance of Rodriguez factors weighs against disclosure
312		Deliberative	Not DPP
313		Deliberative	DPP b/c reflects deliberations on MIH; balance of Rodriguez factors weighs against disclosure
314		Deliberative	DPP b/c reflects deliberations about East Harlem plan; balance of Rodriguez factors weighs against disclosure
315		Deliberative	DPP b/c reflects deliberations about Browsvill plan; balance of Rodriguez factors weighs against disclosure
316		Deliberative	DPP b/c reflects deliberations about Browsvill plan; balance of Rodriguez factors weighs against disclosure
317		Deliberative	DPP b/c reveals deliberations about potential rezoning areas and neighborhood planning projects; balance of Rodriguez factors weighs against disclosure

318		Deliberative	DPP in part insofar as it reveals internal discussions re: various planning and proposals for lower East Side development; balance of Rodriguez factors weighs against disclosure; produce in redacted format
319		Deliberative	DPP b/c reflects planning discussions on Jerome Ave.; balance of Rodriguez factors weighs against disclosure
320		Deliberative	Not DPP
321		Deliberative	DPP b/c reflects planning discussions on Jerome Ave.; balance of Rodriguez factors weighs against disclosure
322		Deliberative	DPP b/c reflects internal deliberations about potential changes to East Harlem plan; balance of Rodriguez factors weighs in favor of disclosure
323		Deliberative	Not DPP
324		Deliberative	Not DPP
325		Deliberative	DPP b/c reflects internal deliberations about potential changes to East Harlem plan; balance of Rodriguez factors weighs against disclosure
326		Legislative;Deliberative	DPP b/c reflects internal deliberations about potential Far Rockaway plan; balance of Rodriguez factors weighs against disclosure; LP not apparent
327		Deliberative	DPP b/c reflects internal deliberations about potential Far Rockaway plan; balance of Rodriguez factors weighs against disclosure

328		Deliberative	DPP b/c reflects internal deliberations about potential Far Rockaway plan; balance of Rodriguez factors weighs against disclosure
329		Deliberative	DPP b/c reflects internal deliberations about potential Far Rockaway plan; balance of Rodriguez factors weighs against disclosure
330		Legislative;Deliberative	DPP b/c reflects internal deliberations about potential East Harlem plan; balance of Rodriguez factors weighs against disclosure; LP not apparent
331		Deliberative	DPP b/c reflects internal deliberations about potential changes to Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
332		Deliberative	DPP b/c reveals deliberations on research needed to assist in policy formulation on housing; balance of Rodriguez factors weighs against disclosure
333		Deliberative	DPP b/c reveals deliberations on potential creation of neighborhood stabilization unit; balance of factors weighs against disclosure
334		Deliberative	DPP b/c reveals deliberatons on HNY plan; balance of Rodriguez factors weighs against disclosure
335		Deliberative	DPP b/c reveals deliberatons on HNY plan; balance of Rodriguez factors weighs against disclosure

336		Deliberative	DPP b/c reveals deliberatons on plan to work with non-profit developers; balance of Rodriguez factors weighs in favor of disclosure
337		Deliberative	DPP b/c reveals deliberatons on perservation locations; balance of Rodriguez factors weighs against disclosure
338		Deliberative	Not DPP
339		Deliberative	DPP b/c reflects internal deliberations about potential changes to Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
340		Deliberative	DPP b/c reveals planning on potential partners in preservation initiative; balance of Rodriguez factors weighs against disclosure
341		Deliberative	DPP b/c reflects internal deliberations about potential changes to Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
342		Deliberative	DPP b/c reflects internal deliberations about potential changes to Jerome Ave. plan; balance of Rodriguez factors weighs against disclosure
343	NYCPRIV02199	Deliberative	DPP b/c reveals planning on ENY plan; balance of Rodriguez factors weighs against disclosure
344	NYCPRIV00171	Attorney Client;Work Product;Deliberative	WP b/c prepared in anticipation of potential HUD litigation and for settlement strategy; no substantial need; not A/C; do not need to reach DPP

345	NYCPRIV01898	Legislative;Deliberative	Not DPP or LP b/c does not reveal internal deliberations about policy, rather, this is notes of a meeting
346	NYCPRIV04729	Attorney Client	A/C b/c reflects leagal advice requested and conveyed
347	NYCPRIV05930	Deliberative	DPP b/c reflect discussions on con plan planning; balance of Rodriguez factors weighs against disclosure
348	NYCPRIV05945	Deliberative	DPP b/c reflect discussions on con plan planning; balance of Rodriguez factors weighs against disclosure
349	NYCPRIV05955	Deliberative	Not DPP b/c does not reveal deliberations about policy; rather reveals work assignments
350	NYCPRIV06065	Attorney Client;Deliberative	A/C b/c reveals discussion with counsel re: regulatory compliance and pending legislation and impact on policy; no need to reach DPP